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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 5 of Security Council resolution 1183 (1998) of 15 July 1998, in which the Council requested me to report by 15 October 1998 on the situation in the Prevlaka peninsula, on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences on the disputed issue of Prevlaka, and on the possible adaptation of the United Nations Mission of Observers in Prevlaka (UNMOP).

2. UNMOP consists of 28 United Nations military observers (see annex) headed by a Chief Military Observer, Colonel Graeme Williams (New Zealand) (see S/1998/563 and S/1998/564). The current mandate of the Mission expires on 15 January 1999.

3. In accordance with its mandate, UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of the neighbouring areas in Croatia and the Federal Republic of Yugoslavia, by carrying out vehicle and foot patrols on both sides of the border, except when prevented from doing so by restrictions of movement imposed by one party or the other. The Mission holds regular meetings with local authorities in order to strengthen liaison, reduce tension, improve safety and security and promote confidence between the parties. During the reporting period, the Chief Military Observer also maintained contacts with the authorities in Zagreb and Belgrade in order to address issues arising from the implementation of resolution 1183 (1998). Cooperation between UNMOP and the multinational Stabilization Force is maintained through regular meetings.

II. SITUATION IN THE AREA OF RESPONSIBILITY OF THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

4. The area of responsibility of UNMOP consists of two United Nations-designated zones: a demilitarized zone (the so-called "Yellow Zone") and a United Nations-controlled zone (the so-called "Blue Zone"). Since the submission of my report of 26 June 1998 (S/1998/578), the situation in the area

has remained stable. Nonetheless, violations of the demilitarization regime by both parties persisted, including restrictions on the movement of United Nations military observers, deployment of military elements from the Federal Republic of Yugoslavia in the demilitarized zone and the occasional presence in that zone of Croatian Army personnel. UNMOP did not assess these violations to be provocative. The continued presence of Yugoslav (Montenegrin) Border Police and Croatian Special Police in the demilitarized zone does not violate the security regime.

5. The most significant long-standing violation of the demilitarized zone is the continued presence of Yugoslav Army troops in the north-western part of the area. UNMOP remains unable to ascertain the strength and armament of these units, because the Yugoslav authorities restrict the movement of United Nations military observers in the area. The Federal Republic of Yugoslavia, while still denying unrestricted access to that part of the demilitarized zone, does allow escorted visits, along the main road only, when given a minimum of six hours' notice.

6. Croatia also continues to deny unrestricted access by United Nations military observers to its positions in both the northern part of the demilitarized zone and to several positions in the southern part, with local Croatian authorities still asserting that the northern part of the zone is not included in the UNMOP area of responsibility. Efforts by the Chief Military Observer to gain regular and unrestricted access to Croatian positions throughout the Mission's area of responsibility are generally unsuccessful although, occasionally, escorted visits have been authorized. During the reporting period, the only permission granted was on 30 September 1998 for one such escorted visit to the northern part of the demilitarized zone. Previous permission to visit that area had last been granted in October 1997.

7. The long-standing violations of the demilitarization regime in the United Nations-controlled zone also continue. Approximately 30 Croatian Special Police remain present at two positions and at one checkpoint, and approximately eight Yugoslav (Montenegrin) Border Police remain located at one position and at one checkpoint.

8. During the reporting period, the Croatian authorities continued to routinely grant civilians, including Croatian and foreign tourists, unauthorized access to the United Nations-controlled zone. Local Croatian officials have not taken steps to abandon this practice. Furthermore, they have told the Chief Military Observer that Croatia does not recognize any part of the United Nations-controlled zone (including the sea) other than the land area of the Ostra peninsula.

9. The waters of the United Nations-controlled zone continue to be frequently violated by Croatian fishing boats, occasionally by Croatian police boats, and frequently by Yugoslav fishing and tourist boats. Of particular concern in this regard are two incidents that took place inside the United Nations-controlled zone during the reporting period. One involved the arrest by the Croatian authorities of two Yugoslav youths on jet skis on 12 August 1998; they were subsequently released. The other incident involved a Croatian police boat which opened fire on a Yugoslav fishing boat on 10 September 1998. Although serious

in themselves, the incidents are not considered by the Chief Military Observer to have raised tensions in the area to any significant extent on a long-term basis. They do, however, illustrate the need for the parties to intensify their efforts to reach a final solution to their dispute. Efforts are being made by local authorities on both sides to prevent such incidents from recurring.

10. According to established procedure, UNMOP has continued to protest the above-mentioned violations to the appropriate authorities in Croatia, the Federal Republic of Yugoslavia and the Republic of Montenegro, and to encourage both sides to respect the United Nations-designated zones and the freedom of movement of the United Nations military observers in the performance of their duties in their area of responsibility. UNMOP maintains the interpretation of the limits of the United Nations-designated zones as defined in my reports to the Security Council since 1992, regardless of unilateral decisions by one party or the other not to respect the United Nations-mandated security regime.

11. There were no significant changes in the situation of identified minefields within the UNMOP area of responsibility during the reporting period. Both parties recently informed the Chief Military Observer that a demining programme would commence in the near future. These steps are among the practical options that were proposed by UNMOP in May 1996 as part of the procedures to reduce tension and improve safety and security in the area. However, apart from necessary demining conducted by Croatia in connection with the laying of a fibre-optic communications cable between Croatia and Montenegro which will pass through the demilitarized and United Nations-controlled zones, there is no evidence that either party has taken steps to implement a comprehensive demining programme.

III. PROGRESS TOWARDS A NEGOTIATED SETTLEMENT

12. During the reporting period, the Federal Republic of Yugoslavia and the Republic of Croatia continued to indicate their willingness to resolve peacefully the disputed issue of Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, signed at Belgrade on 23 August 1996 (see S/1996/706, annex). The two Governments have now each submitted proposals (see S/1998/533 and S/1998/632) for settling the dispute. Subsequently, the Foreign Ministers of both countries met on 18 August 1998 in Zagreb and agreed that their respective experts would meet to discuss possible solutions. The first such meeting took place on 15 and 16 September 1998 in Zagreb and addressed mainly procedural issues.

13. At the time the present report was being prepared, no information had been received about the second round of talks, which was to begin in Belgrade on 9 October. However, preliminary information would seem to indicate that the parties need to reach agreement on a number of outstanding issues before real progress can be achieved on resolving the disputed issue of Prevlaka.

IV. OBSERVATIONS

14. The opening of bilateral discussions aimed at finding a permanent solution to the disputed issue of Prevlaka is a significant and welcome step forward. In each of its resolutions dealing with this issue, the Security Council has urged the parties to negotiate constructively towards a solution. Therefore, I am pleased to report that such negotiations are at last under way. However, it would be premature to state that the parties are close to a final agreement.

15. As I noted in a previous report (see S/1997/1019, para. 18), the whole set of instruments of the United Nations is at the disposal of the parties should they require this assistance in their search for a peaceful settlement. This includes UNMOP which, by its presence on the ground and its continued liaison work with the parties, has played a key role in creating conditions conducive to the opening of talks between the two sides. I urge both parties to take full advantage of the presence of UNMOP to pursue and conclude their discussions while conditions remain favourable for securing a lasting agreement.

16. The stability of the UNMOP area of responsibility and the opening of negotiations between the parties should contribute to the creation of an atmosphere in which substantive progress can be made. I appeal to the parties to continue to work jointly to that end and towards a final settlement of the dispute. Substantial progress in this regard would allow me to make further recommendations to the Security Council about the next steps to be taken by the United Nations and, in particular, concerning the mandate of UNMOP and its presence in the area. In the meantime, UNMOP will pursue the implementation of its mandate, within the existing practical constraints, to enhance safety and security in its area of responsibility and contribute to confidence-building between the parties.

17. In conclusion, I would like to commend the Chief Military Observer and the men and women of UNMOP whose collective efforts have helped maintain peace and stability in the area and assisted in the creation of the conditions under which bilateral talks could commence.

Annex

Composition and strength of the military elements of the United Nations Mission of Observers in Prevlaka as at 2 October 1998

Nationality	Number of military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Egypt	1
Finland	1
Ghana	2
Indonesia	2
Ireland	1
Jordan	1
Kenya	1
Nepal	1
New Zealand	2
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	28